

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

**ALLEN J. HANSON, *pro se*,  
*Plaintiff***

**v.**

**STATE OF RHODE ISLAND, DEPARTMENT OF  
CORRECTIONS, et al.,  
*Defendants***

**C.A. No. 1:17-cv-0598-WES-PAS**

**STATE DEFENDANT’S RULE 16 CONFERENCE STATEMENT**

NOW COMES the Defendant, State of Rhode Island, Department of Corrections, (hereinafter "RIDOC" or “State Defendant”) and respectfully submits this Rule 16(b) Conference Statement in this civil action filed by Plaintiff, Allen J. Hanson, *pro se* (hereinafter "Hanson" or "Plaintiff").

**SUMMARY OF THE FACTS OF THE CASE**

Plaintiff is an inmate presently incarcerated at the Adult Corrections Institute ("ACI") and housed in the maximum-security facility, in Cranston, Rhode Island. At the time Plaintiff filed the Complaint, on or about December 27, 2017, Plaintiff was a pretrial detainee and housed at the Intake Service Center ("ISC") in Cranston, Rhode Island.

The Complaint names RIDOC, Correctional Officer Panerello (hereinafter "CO Panerello") and Correctional Officer Grady (hereinafter "CO Grady") as Defendants and lists 42 U.S.C. § 1983 as the basis for jurisdiction. See ECF 1, at ¶ II. Although it is somewhat unclear from the Complaint, Plaintiff appears to allege three claims: (1) CO Panerello allegedly assaulted Plaintiff by kicking Plaintiff's ankles during a pat down on or about May 26, 2017, causing Plaintiff physical and emotional pain, including a mental breakdown and bruises, and “booked for no reason

20 days in segregation”; (2) RIDOC allegedly failed to provide Plaintiff access to grievance forms on an unspecified date; and, (3) CO Grady allegedly "talked inappropriate" to Plaintiff while in an interview room in “G Mod” on an unspecified date. See ECF 1, at ¶ IV. Plaintiff's Complaint seeks relief from this Court in the form of a "reprimand" of RIDOC and CO Panerello and CO Grady, "a change in policy making [grievance forms] readily available to inmates in the facility", and "\$15,000 for damages". See ECF 1, at ¶ VI.

State Defendants moved to dismiss the Complaint on June 27, 2018. See ECF 15. The Court entered a Memorandum and Order on January 31, 2019, denying the Motion in part, as premature with respect to State Defendants' argument that Plaintiff failed to exhaust administrative remedies, and granting the Motion in part as against CO Panerello and CO Grady. See Mem. and Order, ECF 24, at 3.<sup>1</sup> It is the State's position that Plaintiff's remaining § 1983 claim seeks injunctive relief to make RIDOC grievance forms readily available to inmates.

### **LEGAL ISSUES**

- Whether Plaintiff's claim is moot because grievance forms are already readily available to all inmates, including Plaintiff, pursuant to R.I. 42-56-10(22) and RIDOC Policy 13.10-4 DOC.
- Whether Plaintiff has a protected right to state department of corrections grievance forms under the U.S. Constitution or federal law.
- Whether Plaintiff is entitled to prospective injunctive relief under 42 U.S.C. § 1983 for the denial of grievance forms.

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<sup>1</sup> On June 7, 2018, the Rhode Island Office of the Attorney General accepted service on behalf of the State. ECF 13. Plaintiff did not direct service on CO Panerello or CO Grady. Plaintiff subsequently indicated to the Court that he no longer wished to pursue claims against CO Panerello or CO Grady. See ECF 7; ECF 8; see also Text Order, Apr. 6, 2018.

**PROPOSED SCHEDULE**

Subject to the Rule 16 Conference with the Honorable Court and the Court's approval, Defendants seek a 7-month period to conduct fact discovery followed by a 30-day/30-day/30-day time period for expert discovery.

Respectfully Submitted,

STATE OF RHODE ISLAND,  
DEPARTMENT OF CORRECTIONS  
By its Attorney,

PETER F. NERONHA  
ATTORNEY GENERAL

Dated: February 13, 2019

*/s/ Sean P. Malloy*

*/s/ Justin J. Sullivan*

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**CERTIFICATE OF SERVICE**

I hereby certify that on Wednesday, February 13, 2019 I filed the within document via the ECF filing system and that a copy is available for viewing and downloading. I further certify that on Wednesday, February 13, 2019 I mailed a true and accurate copy of the within document via U.S. First Class mail, postage prepaid, to the following:

Allen J. Hanson, *pro se*  
Inmate ID# 129924  
Maximum Security  
P.O. Box 8273  
Cranston, RI 02920

*/s/ Sean P. Malloy*

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